



## County of Fresno

**DEPARTMENT OF PUBLIC HEALTH**  
**EDWARD L. MORENO, M.D., M.P.H.**  
**DIRECTOR-HEALTH OFFICER**

November 18, 2010

FA0168792  
PR0030451  
PE4430

### **DECLARATION**

#### **IN THE MATTER OF:**


**COALINGA DISPOSAL SITE  
30825 LOST HILLS ROAD  
COALINGA, CALIFORNIA 93210**

**STIPULATED NOTICE AND ORDER  
DECLARATION OF  
TIM L. CASAGRANDE**

I, Tim L. Casagrande, declare under penalty of perjury that the following is true and correct:

1. I am duly employed as Director of Environmental Health, Fresno County Department of Public Health, Environmental Health Division.
2. The allegations of the foregoing Stipulated Notice and Order are known to me of my personal knowledge to be correct. This knowledge was obtained by a review of records on file at the Fresno County Department of Public Health, Environmental Health Division.

Executed at 1221 Fulton Mall, Fresno, California, 93721 on November 18, 2010.

  
Tim L. Casagrande, Director  
Environmental Health Division

#### ***Dedicated to Public Health***

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STIPULATED NOTICE AND ORDER  
OF THE  
DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH DIVISION  
LOCAL ENFORCEMENT AGENCY

IN THE MATTER OF:

Coalinga Disposal Site	)	STIPULATED NOTICE AND ORDER
30825 Lost Hills Road	)	No. 2010-02
Coalinga, California 93210	)	
Facility No. 10-AA-0006	)	Public Resources Code
	)	Division 30, and
	)	Title 14 and Title 27 California Code of
	)	Regulations

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TO: John R. Thompson  
County of Fresno  
Department of Public Works and Planning,  
Resources Division  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, California 93721

**BACKGROUND**

On September 17, 2007, revised regulations pertaining to landfill gas (LFG) monitoring and control became effective for active disposal sites. The new regulations require operators of disposal sites to demonstrate compliance with the new standards for LFG monitoring and control system specified in Title 27 California Code of Regulations (CCR) Section 20917 et seq. For disposal sites receiving greater than 20 tons of waste per operating day, the full implementation of an approved LFG work plan was October 18, 2009.

Coalinga Disposal Site (CDS) submitted a work plan to install LFG monitoring wells/probes on September 22, 2008, and received approval to implement the approved work plan on November 12, 2008. The lack of a funding source and an uncertainty regarding the operational status of the disposal site necessitated CDS to request an extension on August 25, 2009 to implement the work plan by April 18, 2010. The Fresno County Department of Public Health (FCDPH), as the Local Enforcement Agency, began noting violations for noncompliance with the LFG implementation deadline date in May 2010 and subsequent monthly inspections.

The Department of Resources and Recycling (CalRecycle) issued a *Notice of Intent to Include Coalinga Disposal Site on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards* on August 2, 2010 in accordance with Public Resources Code (PRC) 44104. As stated in the Notice, if the violation is documented as corrected within 90 days of receiving the notice, the facility will not be included on the Inventory. Subsequently, on November 2, 2010 CalRecycle issued an Inclusion of Coalinga Disposal Site on the *Inventory of Solid Waste Facilities Which Violate State Minimum Standards*.

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PLEASE TAKE NOTICE that the Fresno County Department of Public Health has determined that the Coalinga Disposal Site is in violation of:

**Title 27 CCR §20921 Gas Monitoring and Control**

(b)(3)(A)(ii) Disposal sites that are permitted to receive greater than 20 tons of waste per operating day shall implement the programs described in the approved and concurred program plans by October 18, 2009.

**THEREFORE, PURSUANT TO PUBLIC RESOURCES CODE (PRC) DIVISION 30 AND CALIFORNIA CODE OF REGULATIONS, TITLE 27, DIVISION 2, CHAPTER 3, SUBCHAPTER 4, ARTICLE 6; YOU ARE HEREBY ORDERED TO:**

Complete full implementation of the approved LFG work plan dated September 22, 2008 by November 2, 2012.

***In accordance with CCR Title 14 Section 18365 Compliance Schedule (b) The compliance schedule must have the final compliance date within one year from the date of the inclusion letter. The enforcement agency may issue a compliance schedule for more than one year but not to exceed two years, after informing the executive director in writing. A one-year extension beyond two years may be made prior to the expiration of the two-year period upon approval by the executive director. The executive director shall report any such approvals or disapprovals to the Board.***

**PLEASE TAKE NOTICE THAT PURSUANT TO PRC SECTIONS 45011, 45014, 45023, AND 45024, if the above actions are not completed or complied with by the specified dates, the Fresno County Department of Public Health, as the Local Enforcement Agency may:**

- I. Impose administrative civil penalties in an amount not to exceed \$5,000 for each day on which a violation occurs, if compliance is not achieved in accordance with the time frames specified above. [PRC 45011]
- II. Petition the superior court for injunctive relief to enforce this Stipulated Notice and Order. [PRC 45014]
- III. Petition the superior court for civil penalties in an amount not to exceed \$10,000 for each day the violation occurs. [PRC 45023]
- IV. Any attorney authorized to act on behalf of CalRecycle or Local Enforcement Agency may petition the Superior court to impose, assess, and recover the civil penalties authorized by PRC Section 45023. [PRC 45024]

In the event the time frames for completion of the above specified activities cannot be adhered to due to adverse weather or other factors not in the control of the owner/operator, then the Local Enforcement Agency may extend the time frames based upon those specific factors provided by the owner/operator **IN WRITING**. Any such extension to the time frames or other amendments to this Stipulated Notice and Order shall be in the form of an Amended Stipulated Notice and Order.

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Failure to remedy the aforementioned violations by the required dates may result in CalRecycle expending available funds to perform cleanup, abatement, or remedial work to protect public health and safety. The owner or operator of the solid waste facility shall reimburse the enforcement agency or CalRecycle for the amount expended. The amount expended shall be recoverable in a civil action by the Attorney General, upon request by the Local Enforcement Agency or CalRecycle. [PRC 45000]

Nothing in the Stipulated Notice and Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Stipulated Notice and Order, the owner and or operator may be required to take further actions as necessary to protect the public health, safety, and/or the environment.

The Local Enforcement Agency shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to the Stipulated Notice and Order. Nor shall the EA be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Stipulated Notice and Order.

This Stipulated Notice and Order is supported by the accompanying declaration of Tim L. Casagrande.

This Stipulated Notice and Order does not relieve the owner or operator from complying with all other local, state, and federal requirements, nor does it preclude the Local Enforcement Agency or CalRecycle from taking any and all other actions allowed by law.

This Stipulated Notice and Order may only be amended in writing by an appropriate representative of the Local Enforcement Agency.

**PLEASE TAKE NOTICE THAT:**

Pursuant to Title 14 CCR Section 18304 (b)(8), the person or entity named in this Stipulated Notice and Order has the right to appeal this Stipulated Notice and Order to the Hearing Panel. [PRC 44307]

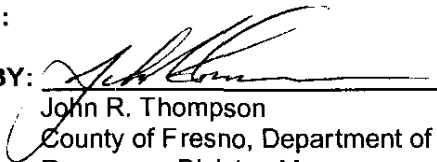
A request for a hearing before the Hearing Panel must be filed **IN WRITING** within 15 days from the date of receipt of the Stipulated Notice and Order. [PRC Section 44310]

This Stipulated Notice and Order is issued as of the date set forth below.


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**Dated:** November 18, 2010

**OPERATOR / OWNER:**

**BY:**   
John R. Thompson  
County of Fresno, Department of Public Works & Planning  
Resources Division Manager

**LEA:**

**BY:**   
Tim L. Casagrande  
County of Fresno, Department of Public Health  
Director, Environmental Health Division

**Cc:** Edward L. Moreno, Director-Health Officer, Department of Public Health  
Glenn Allen, Supervising Environmental Health Specialist  
Hoa Gip, Environmental Health Specialist  
Patrick Snider, California Department of Resources Recycling and Recovery  
Dane Johnson, California Regional Water Quality Control Board  
Lewis F. Bogan, Chevron USA